



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार, 2 जनवरी, 2014/12 पौष, 1935

हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना

शिमला-2, 31 दिसम्बर, 2013

संख्या: ई.एक्स.एन-एफ(1)-7/2012.—हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश मूल्य परिवर्धित कर अधिनियम, 2005 (2005 का अधिनियम संख्यांक 12) की धारा 10 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम से संलग्न अनुसूची 'क' में निम्नलिखित संशोधन करने का प्रस्ताव करती हैं और जनसाधारण की सूचना के लिए इनका राजपत्र, हिमाचल प्रदेश (असाधारण) में एतद्वारा प्रकाशन किया जाता है;

प्रस्तावित संशोधनों द्वारा संभाव्य प्रभावित होने वाले किसी हितबद्ध व्यक्ति का इसके सम्बन्ध में यदि कोई आक्षेप या सुझाव है, तो वह उसे इस अधिसूचना के प्रकाशन की तारीख से दस दिन की अवधि के भीतर आयुक्त, आबकारी एवं कराधान, हिमाचल प्रदेश, शिमला-171 009 को भेज सकेगा;

उपरोक्त नियत अवधि के भीतर प्राप्त हुए आक्षेप (पों)/सुझाव (वों), यदि कोई है/हो, पर सरकार द्वारा उक्त प्रारूप संशोधनों को अन्तिम रूप देने से पूर्व विचार किया जाएगा, अर्थात्:-

प्रारूप संशोधन

उक्त अधिनियम से संलग्न अनुसूची-‘क’ के भाग-1 के पश्चात् निम्नलिखित भाग-1 (क) अन्तःस्थापित किया जाएगा, अर्थात्:-

“भाग-1 (क) दो प्रतिशत की दर से कराधेय माल

क्रम संख्या माल/विवरण

1. सेना कार्मिकों और भूतपूर्व सेना कार्मिकों के लिए, कैंटीन स्टोर डिपार्टमेंट द्वारा प्रत्यक्ष रूप से या यूनिट द्वारा चलाई कैंटीनों के माध्यम से किए गए विक्रय।”
2. उक्त अधिनियम की अनुसूची-‘क’ के भाग-2 की क्रम संख्या: 8 पर विद्यमान प्रविष्टि का लोप किया जाएगा।

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (आबकारी एवं कराधान)।

[Authoritative English text of this department notification No. EXN-F(1)-7/2012, dated 31-12-2013 as required under Clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-171002, the 31st December, 2013

File No. EXN-F(1)-7/2012.—In exercise of the powers conferred by Section 10 of the Himachal Pradesh Value Added Tax Act, 2005 (Act No. 12 of 2005), the Governor of Himachal Pradesh, proposes to carry out the amendments in Schedule-A appended to the said Act and the same are hereby published in Rajpatra, Himachal Pradesh for the information of general public;

If any interested person likely to be affected by the proposed amendments has any objection or suggestion in relation thereto, he or she may send the same to the Excise and Taxation Commissioner, Himachal Pradesh, Shimla-171009 within a period of 10 days from the date of publication of this notification;

Objection(s)/suggestion(s), if any, received within the above stipulated period shall be taken into consideration by the Government before finalizing the said draft amendments, namely:—

DRAFT AMENDMENTS

1. After PART-I of SCHEDULE 'A' to the said Act, the following PART-I(A) shall be inserted, namely:—

“PART-I (A)**GOODS TAXABLE @ 2 percentum**

- | | |
|----------------|--|
| Sr. No. | Goods/description |
| 1. | Sales made by Canteen Store Department to military/exmilitary personnel directly or through unit run canteens.”. |
| 2. | The existing entry at Sr. No. 8 of PART-II of SCHEDULE 'A' to the said Act shall be deleted. |

By order,
Sd/-
Principal Secretary (E&T).

ADVOCATE GENERAL DEPARTMENT**NOTIFICATION**

Dated, 17th December, 2013

No.1-26/2013.—Sanction is hereby accorded to the grant of 5 days Earned leave *w.e.f.* 16th to 20th December, 2013 in favour of Shri M.A. Khan, Additional Advocate General of this department with permission to avail prefix Second Saturday & Sunday falling on 14th & 15th December, 2013.

Certified that Shri M.A. Khan, Additional Advocate General would have continued to officiate but for his proceeding on 5 days Earned leave and this period of leave will count for continuation of his service.

Certified that Shri M.A. Khan, Additional Advocate General is likely on the expiry of leave will return for duty to the Station from where he proceeded on leave.

By order,
Sd/-
*Advocate General
Himachal Pradesh.*

ADVOCATE GENERAL DEPARTMENT**NOTIFICATION**

Dated, 16th December, 2013

NOTIFICATION

No.1-19/2013.—Sanction is hereby accorded to the grant of nine days earned Leave *w.e.f.* 23rd to 31st December, 2013 in favour of Ms Parul Negi, Deputy Advocate General of this department with permission to avail prefix Sunday falling on 22nd December, 2013.

Certified that Ms Parul Negi, Deputy Advocate General would have continued to officiate but for her proceeding on nine days Earned Leave and that this period of leave will count for Continuation of her service.

Certified that the said Ms Parul Negi, Deputy Advocate General is likely on the expiry of leave to return for duty to the station from where she proceeds on leave.

By order,
Sd/-
Advocate General
Himachal Pradesh.

ADVOCATE GENERAL DEPARTMENT

NOTIFICATION

Dated, 16th December, 2013

No.1-20/2013.—Sanction is hereby accorded to the grant of two days Earned leave *w.e.f.* 16th & 17th December, 2013 in favour of Shri D.C. Pathik, Additional Advocate General of this department with permission to avail prefix Second Saturday & Sunday falling on 14th & 15th December, 2013.

Certified that Shri D.C. Pathik, Additional Advocate General would have continued to officiate but for his proceeding on two days Earned leave and that this period of leave will count for continuation of his service.

Certified that the said Shri D.C. Pathik, Additional Advocate General is likely on the expiry of leave to return for duty to the station from where he proceeds on leave.

By order,
Sd/-
Advocate General
Himachal Pradesh.

ADVOCATE GENERAL DEPARTMENT

NOTIFICATION

Dated, 16th December, 2013

No.1-25/2013.—Sanction is hereby accorded to the grant of five days Earned Leave with effect from 9th to 13th December, 2013 in favour of Shri Anup Rattan, Additional Advocate General of this department with permission to avail prefix/suffix Sundays & Second Saturday falling on 8th, 14th & 15th December, 2013.

Certified that Shri Anup Rattan, Additional Advocate General would have continued to officiate, but for his proceeding on five days Earned Leave and that this period of leave will count for Continuation of his service.

Certified that the said Shri Anup Rattan, Additional Advocate General is likely on the expiry of leave to return for duty to the Station from where he proceeded on leave.

By order,
Sd/-
*Advocate General
Himachal Pradesh.*

ADVOCATE GENERAL DEPARTMENT

NOTIFICATION

Dated, 21st December, 2013

No.1-24/2013.—Sanction is hereby accorded to the grant of one day's Earned Leave for 20th December, 2013 in favour of Shri Ravinder Singh Thakur, Additional Advocate General of this department.

Certified that Shri Ravinder Singh Thakur, Additional Advocate General would have continued to officiate but for his proceeding on one day's Earned Leave and that this period of leave will count for continuation of his service.

Certified that Shri Ravinder Singh Thakur, Additional Advocate General is likely on the expiry of leave to return for duty to the station from where he proceeded on leave.

By order,
Sd/-
*Advocate General
Himachal Pradesh.*

ADVOCATE GENERAL DEPARTMENT

NOTIFICATION

Dated, 21st December, 2013

No.1-26/2013.—Sanction is hereby accorded to the grant of 9 days Earned leave *w.e.f.* 23rd to 31st December, 2013 in favour of Shri Neeraj Sharma, Deputy Advocate General of this department with permission to avail prefix Sunday falling on 22nd December, 2013.

Certified that Shri Neeraj Sharma, Deputy Advocate General would have continued to officiate but for his proceeding on 9 days Earned leave and that this period of leave will count for continuation of his service.

Certified that the said Shri Neeraj Sharma, Deputy Advocate General is likely on the expiry of leave to return for duty to the station from where he proceeds on leave.

By order,
Sd/-
Advocate General
Himachal Pradesh.

व अदालत श्री आशीष सिंहमार, भा.प्र.से., जिला दण्डाधिकारी जिला हमीरपुर (हि0प्र0)

पब्लिक नोटरी अधिनियम, 1956 के अन्तर्गत जिला हमीरपुर में पब्लिक नोटरी की नियुक्ति करने बारे।

आम जनता को सूचित किया जाता है कि निम्नलिखित अधिवक्ताओं ने पब्लिक नोटरी की नियुक्ति हेतु इस कार्यालय में जिला सत्र न्यायाधीश हमीरपुर के माध्यम से आवेदन पत्र प्राप्त हुए हैं। पब्लिक नोटरी जिला हमीरपुर में नियुक्त होने हैं।

अतः आम जनता को सूचित किया जाता है कि यदि उन्हें निम्नलिखित अधिवक्ताओं के पब्लिक नोटरी नियुक्त होने में कोई आपत्ति हो तो वह इस नोटिस को जारी होने की तिथि से 14 दिन के तक अधोहस्ताक्षरी के न्यायालय में अपनी आपत्ति पेश कर सकता है, बाद में कोई आपत्ति नहीं सुनी जाएगी।

1. श्री सुशील कुमार जरयाल अधिवक्ता, हमीरपुर
2. श्री सुरेन्द्र कुमार पटयाल अधिवक्ता, हमीरपुर
3. श्री एस. एस. वरयाणा अधिवक्ता, हमीरपुर
4. श्री अनूप कुमार अधिवक्ता, हमीरपुर
5. श्री विजय कुमार अधिवक्ता हमीरपुर
6. श्री विशन दत्त कौशल अधिवक्ता, हमीरपुर
7. श्री सुरेन्द्र प्रकाश अधिवक्ता, हमीरपुर
8. श्री सुरेन्द्र कुमार शर्मा अधिवक्ता,
9. श्री अश्वनी कौशल, अधिवक्ता, हमीरपुर
10. श्री उमेश ठाकुर अधिवक्ता, हमीरपुर
11. श्रीमती नीता चौधरी अधिवक्ता, हमीरपुर
12. श्री सुनील चौहन अधिवक्ता, हमीरपुर
13. श्री अमित शर्मा अधिवक्ता, हमीरपुर
14. श्री नवीन पटियाल अधिवक्ता, हमीरपुर
15. श्री मदन चौहन अधिवक्ता, हमीरपुर
16. श्री वक्शी शर्मा अधिवक्ता, हमीरपुर

आज दिनांक 31-12-2013 को हमारे हस्ताक्षर व मोहर से जारी हुआ।

आदेश द्वारा,
हस्ताक्षरित /—
जिला दण्डाधिकारी,
जिला हमीरपुर।

बहुउद्देशीय परियोजनाएं एवं विद्युत विभाग

अधिसूचना

तारीख 1 जनवरी, 2014

संख्या : विद्युत-छ(5)-22/2011.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी.सी.) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल थाना, तहसील बद्दी, जिला सोलन, हिमाचल प्रदेश में बद्दी से नालागढ़ तक 132 के0वी0 टावर पर 66 के0वी0 डबल सर्कट लाईन के निर्माण हेतु भूमि अर्जित करनी आवश्यक अपेक्षित है अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा-6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा-7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 को उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्वारा निर्देश दिया जाता है।

3. भूमि के रेखांक का निरीक्षण कार्यालय भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 में किया जा सकता है।

विवरणी

जिला	तहसील	ग्राम	खसरा नम्बर	रकबा (बीघों में)
सोलन	बद्दी	थाना	1485 / 1	0-4
			1485 / 2	0-4
कुल कित्ता- 2			कुल रकबा- 0-8	

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (विद्युत)।

नाम परिवर्तन

मैं, अनिल कुमार अरोड़ा पुत्र स्व० श्री कृष्ण लाल अरोड़ा, निवासी रुकमणी भवन नजदीक डी० सी० निवास, शिल्ली रोड़ सोलन, हिमाचल प्रदेश घोषणा करता हूं कि मैं दिव्या नारंग का पिता हूं तथा मैंने अपनी बेटी दिव्या नारंग का नाम बदलकर दृष्टि अरोड़ा रख दिया है। अतः भविष्य में इसे दृष्टि अरोड़ा के नाम से जाना जाए।

अनिल कुमार अरोड़ा
पुत्र स्व० श्री कृष्ण लाल अरोड़ा,
निवासी रुकमणी भवन नजदीक डी० सी० निवास,
शिल्ली रोड़ सोलन, हिमाचल प्रदेश।



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 2] नई दिल्ली, शुक्रवार, जनवरी 04, 2013/पौष 14, 1934 (शक)
No. 2] NEW DELHI, FRIDAY, JANUARY 04, 2013/PAUSA 14, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 4th January, 2013/Pausa 14, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 3rd January, 2013, and is hereby published for general information.

THE ENFORCEMENT OF SECURITY INTEREST AND RECOVERY OF DEBTS LAWS (AMENDMENT) ACT, 2012

(No. 1 OF 2013)

[3rd January, 2013.]

An Act further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title and
commence-
ment.

CHAPTER II

AMENDMENTS TO THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND
ENFORCEMENT OF SECURITY INTEREST ACT, 2002

Amendment of section 2. 2. In section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter in this Chapter referred to as the principal Act), in clause (c), after sub-clause (iv), the following sub-clause shall be inserted, namely:— 54 of 2002.

“(iva) a multi-State co-operative bank; or”.

Amendment of section 5. 3. In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) On acquisition of financial assets under sub-section (1), the securitisation company or reconstruction company, may with the consent of the originator, file an application before the Debts Recovery Tribunal or the Appellate Tribunal or any court or other Authority for the purpose of substitution of its name in any pending suit, appeal or other proceedings and on receipt of such application, such Debts Recovery Tribunal or the Appellate Tribunal or court or Authority shall pass orders for the substitution of the securitisation company or reconstruction company in such pending suit, appeal or other proceedings.”.

Amendment of section 9. 4. In section 9 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

“(g) to convert any portion of debt into shares of a borrower company:

Provided that conversion of any part of debt into shares of a borrower company shall be deemed always to have been valid, as if the provisions of this clause were in force at all material times.”.

Amendment of section 13. 5. In section 13 of the principal Act,—

(a) in sub-section (3A), for the words “within one week”, the words “within fifteen days” shall be substituted;

(b) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) Where the sale of an immovable property, for which a reserve price has been specified, has been postponed for want of a bid of an amount not less than such reserve price, it shall be lawful for any officer of the secured creditor, if so authorised by the secured creditor in this behalf, to bid for the immovable property on behalf of the secured creditor at any subsequent sale.

(5B) Where the secured creditor, referred to in sub-section (5A), is declared to be the purchaser of the immovable property at any subsequent sale, the amount of the purchase price shall be adjusted towards the amount of the claim of the secured creditor for which the auction of enforcement of security interest is taken by the secured creditor, under sub-section (4) of section 13.

(5C) The provisions of section 9 of the Banking Regulation Act, 1949 10 of 1949. shall, as far as may be, apply to the immovable property acquired by secured creditor under sub-section (5A).”.

(c) in the opening portion of sub-section (9), and in the *Explanation* thereto, for the word “three-fourth”, occurring at both the places, the words “sixty per cent.” shall be substituted.

Amendment of section 14. 6. In section 14 of the principal Act,—

(a) in sub-section (1), the following provisos shall be inserted, namely:—

“Provided that any application by the secured creditor shall be accompanied by an affidavit duly affirmed by the authorised officer of the

secured creditor, declaring that—

(i) the aggregate amount of financial assistance granted and the total claim of the Bank as on the date of filing the application;

(ii) the borrower has created security interest over various properties and that the Bank or Financial Institution is holding a valid and subsisting security interest over such properties and the claim of the Bank or Financial Institution is within the limitation period;

(iii) the borrower has created security interest over various properties giving the details of properties referred to in sub-clause (ii) above;

(iv) the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount;

(v) consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non-performing asset;

(vi) affirming that the period of sixty days notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been served on the borrower;

(vii) the objection or representation in reply to the notice received from the borrower has been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the borrower;

(viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;

(ix) that the provisions of this Act and the rules made thereunder had been complied with:

Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets:

Provided also that the requirement of filing affidavit stated in the first proviso shall not apply to proceeding pending before any District Magistrate or the Chief Metropolitan Magistrate, as the case may be, on the date of commencement of this Act.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The District Magistrate or the Chief Metropolitan Magistrate may authorise any officer subordinate to him,—

(i) to take possession of such assets and documents relating thereto; and

(ii) to forward such assets and documents to the secured creditor.”;

(c) in sub-section (3), after the words “the District Magistrate”, the words “any officer authorised by the Chief Metropolitan Magistrate or District Magistrate” shall be inserted.

7. After section 18B of the principal Act, the following section shall be inserted, namely:—

“18C. (1) Where an application or an appeal is expected to be made or has been made under sub-section (1) of section 17 or section 17A or sub-section (1) of section 18

Insertion of
new section
18C.

Right to lodge
a caveat.

or section 18B, the secured creditor or any person claiming a right to appear before the Tribunal or the Court of District Judge or the Appellate Tribunal or the High Court, as the case may be, on the hearing of such application or appeal, may lodge a caveat in respect thereof.

(2) Where a caveat has been lodged under sub-section (1),—

(a) the secured creditor by whom the caveat has been lodged (hereafter in this section referred to as the caveator) shall serve notice of the caveat by registered post, acknowledgement due, on the person by whom the application has been or is expected to be made under sub-section (1);

(b) any person by whom the caveat has been lodged (hereafter in this section referred to as the caveator) shall serve notice of the caveat by registered post, acknowledgement due, on the person by whom the application has been or is expected to be made under sub-section (1).

(3) Where after a caveat has been lodged under sub-section (1), any application or appeal is filed before the Tribunal or the court of District Judge or the Appellate Tribunal or the High Court, as the case may be, the Tribunal or the District Judge or the Appellate Tribunal or the High Court, as the case may be, shall serve a notice of application or appeal filed by the applicant or the appellant on the caveator.

(4) Where a notice of any caveat has been served on the applicant or the Appellant, he shall periodically furnish the caveator with a copy of the application or the appeal made by him and also with copies of any paper or document which has been or may be filed by him in support of the application or the appeal.

(5) Where a caveat has been lodged under sub-section (1), such caveat shall not remain in force after the expiry of the period of ninety days from the date on which it was lodged unless the application or appeal referred to in sub-section (1) has been made before the expiry of the said period.”

Amendment
of section 23.

8. In section 23 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the Central Government may, by notification, require registration of all transactions of securitisation, or asset reconstruction or creation of security interest which are subsisting on or before the date of establishment of the Central Registry under sub-section (1) of section 20 within such period and on payment of such fees as may be prescribed.”

Insertion of
new section
26A.

9. After section 26 of the principal Act, the following section shall be inserted, namely:—

Rectification
by Central
Government
in matters of
registration,
modification
and
satisfaction,
etc.

“26A. (1) The Central Government, on being satisfied—

(a) that the omission to file with the Registrar the particulars of any transaction of securitisation, asset reconstruction or security interest or modification or satisfaction of such transaction or; the omission or mis-statement of any particular with respect to any such transaction or modification or with respect to any satisfaction or other entry made in pursuance of section 23 or section 24 or section 25 of the principal Act was accidental or due to inadvertence or some other sufficient cause or it is not of a nature to prejudice the position of creditors; or

(b) that on other grounds, it is just and equitable to grant relief,

may, on the application of a secured creditor or securitisation company or reconstruction company or any other person interested on such terms and conditions as it may seem to the Central Government just and expedient, direct that the time for

filing of the particulars of the transaction for registration or modification or satisfaction shall be extended or, as the case may require, the omission or mis-statement shall be rectified.

(2) Where the Central Government extends the time for the registration of transaction of security interest or securitisation or asset reconstruction or modification or satisfaction thereof, the order shall not prejudice any rights acquired in respect of the property concerned or financial asset before the transaction is actually registered.”.

10. For section 30 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 30.

“30. (1) No court shall take cognizance of any offence punishable under section 27 in relation to non-compliance with the provisions of section 23, section 24 or section 25 or under section 28 or section 29 or any other provisions of the Act, except upon a complaint in writing made by an officer of the Central Registry or an officer of the Reserve Bank, generally or specially authorised in writing in this behalf by the Central Registrar or, as the case may be, the Reserve Bank.

Cognizance of offences.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.”.

11. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 31A.

“31A. (1) The Central Government may, by notification in the public interest, direct that any of the provisions of this Act,—

Power to exempt a class or classes of banks or financial institutions.

(a) shall not apply to such class or classes of banks or financial institutions; or

(b) shall apply to the class or classes of banks or financial institutions with such exceptions, modifications and adaptations,

as may be specified in the notification.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.”.

CHAPTER III

AMENDMENTS TO THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993

51 of 1993.

12. In the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, (hereafter in this Chapter referred to as the principal Act), in section 2, in clause (d), after sub-clause (v), the following sub-clause shall be inserted, namely:—

Amendment of section 2.

“(vi) a multi-State co-operative bank;”.

13. In section 15 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

Amendment of section 15.

“Provided that the Central Government, during the pendency of the inquiry against the Presiding Officer or a Chairperson, as the case may be, may, after consulting the Chairperson of the Selection Committee constituted for selection of Presiding Officer or

Chairperson, pass an order suspending the Presiding Officer or the Chairperson, if it is satisfied that he should cease to discharge his functions as a Presiding Officer or Chairperson, as the case may be."

Amendment
of section 18.

14. In section 18 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that any proceedings in relation to the recovery of debts due to any multi-State co-operative bank pending before the date of commencement of the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012 under the Multi-State Co-operative Societies Act, 2002 shall be continued and nothing contained in this section shall, after such commencement, apply to such proceedings."

39 of 2002.

Amendment
of section 19.

15. In section 19 of the principal Act,—

(a) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Every bank being, multi-State co-operative bank referred to in sub-clause (vi) of clause (d) of section 2, may, at its option, opt to initiate proceedings under the Multi-State Co-operative Societies Act, 2002 to recover debts, whether due before or after the date of commencement of the Enforcement of the Security Interest and Recovery of Debts Laws (Amendment) Act, 2012 from any person instead of making an application under this Chapter.

39 of 2002.

(1B) In case, a bank being, multi-State co-operative bank referred to in sub-clause (vi) of clause (d) of section 2 has filed an application under this Chapter and subsequently opts to withdraw the application for the purpose of initiating proceeding under the Multi-State Co-operative Societies Act, 2002 to recover debts, it may do so with the permission of the Tribunal and every such application seeking permission from the Tribunal to withdraw the application made under sub-section (1A) shall be dealt with by it as expeditiously as possible and disposed of within thirty days from the date of such application:

39 of 2002.

Provided that in case the Tribunal refuses to grant permission for withdrawal of the application filed under this sub-section, it shall pass such orders after recording the reasons therefor."

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) If any application filed before the Tribunal for recovery of any debt is settled prior to the commencement of the hearing before that Tribunal or at any stage of the proceedings before the final order is passed, the applicant may be granted refund of the fees paid by him at such rates as may be prescribed."

(c) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) The defendant shall, within a period of thirty days from the date of service of summons, present a written statement of this defence:

Provided that where the defendant fails to file the written statement within the said period of thirty days, the Presiding Officer may, in exceptional cases and in special circumstances to be recorded in writing, allow not more than two extensions to the defendant to file the written statement."

(d) after sub-section (5), the following sub-section shall be inserted, namely:—

"(5A) After hearing of the application has commenced, it shall be continued from day-to-day until the hearing is concluded:

Provided that the Tribunal may grant adjournments if sufficient cause is shown, but no such adjournment shall be granted more than three times to a party and where there are three or more parties, the total number of such adjournments shall not exceed six:

Provided further that, the Presiding Officer may grant such adjournments on imposing such costs as may be considered necessary.";

(e) after sub-section (20), the following sub-section shall be inserted, namely:—

"(20A) Where it is proved to the satisfaction of the Tribunal that the claim of the applicant has been adjusted wholly or in part by any lawful agreement or compromise in writing and signed by the parties or where the defendant has repaid or agreed to repay the claim of the applicant, the Tribunal shall pass orders recording such agreement, compromise or satisfaction of the claim."

16. In section 31 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

Amendment
of section 31.

39 of 2002.

"Provided further that any recovery proceedings in relation to the recovery of debts due to any multi-State co-operative bank pending before the date of commencement of the Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012 under the Multi-State Co-operative Societies Act, 2002, shall be continued and nothing contained in this section shall apply to such proceedings."

17. In section 36 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

Amendment
of section 36.

"(cc) the rate of fee to be refunded to the applicant under sub-section (3A) of section 19 of the Act."

P.K. MALHOTRA,
Secy. to the Govt. of India.